

REMARKS

Claims 1-11 and 13-28 are pending in this application. Claims 14, 18, and 20 are amended herein.

Claims 14 and 20 are to correct minor grammatical errors. Claim 18 is amended to depend from claim 16.

It is noted with appreciation that the final rejection of claims 1-11 and 13-28 as being obvious over Kight et al. in view of Pintsov et al. has been withdrawn by the Examiner in response to the Appeal Brief filed February 12, 2001. This application was filed December 12, 1997. In the almost four years this application has been under prosecution it has been the subject of four Official Actions and an Appeal. As will be discussed below, the claims of this application are not anticipated by, or obvious in view of, any of the prior art yet relied upon by the Examiner. It is respectfully submitted that the time has come for this application to be allowed.

Claims 1-11 and 13-28 now stand rejected under 35 USC § 103(a) as obvious over Kight in view of Pollin (U.S. Patent No. 5,504,677) and Official Notice that certain recited features are well known in the art. The rejection is respectfully traversed.

The Examiner's attention is courteously directed to the Summary of Invention section of the Appeal Brief, beginning on page 2, for a concise description of the present invention (except as modified by the above mentioned claim amendments).

The discussion of the Kight et al. (Kight) patent found in the Appeal Brief is expressly incorporated herein, though, for brevity's sake, is not repeated in its entirety herein.

The newly applied Pollin reference, which was brought to the Examiner's attention in the Supplemental Information Disclosure Statement filed April 15, 1999, is directed to a technique for generating drafts. In the Pollin technique, a

draft drawn on an account associated with a payer is generated by a party other than the payer upon direction of the payer. This draft is used to obtain funds from the payer's account. Pollin recites several uses for this technique, though preferably in debt collection. (See Abstract.)

According to Pollin, an authorization to generate a draft is received at a central location. Preferably, this authorization is received verbally from the payer (column 7, lines 20-24). Information identifying the payer, information identifying the payer's bank, and information identifying the payer's bank account maintained by the bank is received from the payer and entered into a computer system by an operator (column 7, lines 27-36, and column 8, lines 16-34). This entered information is processed for verification and fraud prevention purposes utilizing stored databases (column 9, lines 27-31). The processed information is then used to generate a draft drawn on the payer's bank account. Hence, the Pollin invention is directed to a system for collection of payments by a payee, or by a representative of a payee.

With regard to each of the claims in the present application, claims 1-11 and 13-28, the Examiner acknowledges that both Kight and Pollin fail to disclose the required processing of payment information, other than a received zip code, to identify an eleven digit zip code which is used to access a database to locate, retrieve, or otherwise identify a payee record having a corresponding associated zip code. The Examiner takes Official Notice that it is old and well known in the payment remittance processing art to process payment information to identify an eleven-digit zip code.

It is requested, to the extent the rejection is maintained, that the Examiner produce and apply prior art, combinable with the applied base combination of art, which will support the

Official Notice. In particular, it is requested that the Examiner produce and apply prior art which discloses processing payment information, other than a received zip code, to identify an eleven digit zip code.

With regard to independent claims 1, 10, 11, 16, 22 and 28, the Examiner points to Kight as disclosing each of the features recited in each of these claims except for the common features of 1) processing payment information to identify or produce an eleven digit zip code, and 2) locating, retrieving, or otherwise identifying a payee record associated with the identified eleven digit zip code.

As noted above, the Examiner relies upon Official Notice that the identification of the eleven-digit zip code is well known. The Examiner points to Pollin, at Figure 2, detail 208, and column 17, lines 9-19, as teaching accessing a database to locate a payee record which has the zip code corresponding to the identified eleven digit zip code.

It is respectfully submitted that the Pollin patent lacks any teaching or suggestion of a payee database, or of accessing a payee database. Furthermore, Pollin does not teach or suggest locating any type of record, let alone a payee record, based upon a zip code, identified as required by the claims or otherwise.

As summarized above, Pollin discloses multiple types of verification and fraud prevention processing. The claim language the Examiner points to in the Pollin patent as disclosing accessing a database to locate a payee record which has the zip code corresponding to an identified eleven digit zip code (column 17, lines 9-19), as well as all other disclosure in the patent regarding zip codes, is directed to fraud prevention, not record location.

In particular, Pollin discloses utilizing a payer's zip code in two types of verification and fraud prevention processing. In a first type, an association between a payer's zip code and the city/state combination in which the payer resides is verified. (See column 10, lines 27-35, and Figure 7.) According to the second type of zip code based verification and fraud prevention processing, statistical information concerning the prevalence of check fraud originating from the payer's zip code is maintained. Pollin determines if the payer's zip code is indicated as having a high incidence of check fraud. If so, additional verification and fraud protection processing can then be performed, such as guaranteeing funds availability from the payer's bank account or obtaining additional identifying information from the payer. (See column 10, lines 36-57.)

Thus, the Pollin claim language that the examiner points to as disclosing the required accessing of a database to locate a payee record based upon an identified eleven digit zip code, column 17, lines 9-19, in fact discloses a database of postal zones (which the Examiner construes as eleven digit zip codes although this appears to be speculative) having a high risk of check fraud and means to identify the postal zone in which the payer resides as a high risk postal zone, not the feature that the Examiner acknowledges as lacking in Kight.

It should be noted that Pollin lacks any disclosure of any verification or fraud prevention processing, or any other type processing, associated with a payee's zip code. Furthermore, it should be noted that Pollin does not teach or suggest a payer supplying a payee's zip code or a payee's zip code being obtained from any other source.

Furthermore, as discussed above, the Pollin patent is directed to generation of drafts by a party other than a payer,

particularly by debt collectors. The identity of the payee is not determined by the payer or otherwise conveyed by the payer to the Pollin system. That is, the identity of the payee is known to the Pollin system before the operator of the Pollin system has any contact with the payer, as the Pollin system is operated by, or on behalf of, a payee. The technique disclosed in Pollin is not directed to making payment to any payee directed by a payer. Therefore, Pollin would have no need for, and thus lacks any teaching or suggestion of, identifying, determining, or locating a payee record.

The new combination of art at best discloses a system in which a payer supplied payer (not payee) zip code is processed to determine 1) a city/state combination in which the payer resides, and 2) if the zip code in which the payer resides has a high incidence of check fraud.

Therefore, it is respectfully submitted that the applied art combination with the Official Notice lacks any teaching or suggestion of at least each of the following requirements of independent claims 1, 10, 11, 16, 22, and 28:

1)processing the received payment information other than received payee zip code to identify an eleven digit zip code for a payee, and accessing the database of payee records to locate the payee record having the payee zip code corresponding to the identified eleven-digit zip code, as required by independent claim 1.

2)processing the received name, city and state information to identify an eleven digit zip code for a payee, and accessing the database of merchant records to locate the merchant record for the merchant corresponding to the identified eleven-digit zip code, as required by independent claim 10.

3)a processor configured to process the payment information, excluding the received payee zip code, to produce an eleven-digit zip code for the payee and to retrieve one or more of the plurality of payee records having an associated zip code corresponding to the eleven-digit zip code from the storage device code, as required by independent claim 11.

4)software which causes a processor to process the payment information, excluding the received payee zip code, to identify an eleven digit zip code for the payee, and to access a database of payee records to locate a payee record corresponding to the eleven-digit zip code within a database, as required by independent claim 16.

5)a second station, coupled to the network, configured to receive the payment information from the first station via the network, process the payment information to produce an eleven digit zip code for the payee, and access the database to locate a payee record for the payee corresponding to the eleven digit zip code, as required by independent claim 22.

6)determining if the stored payee name information and the stored payee address information included in any of the plurality of payee records correspond to the received payee name information and the received payee address information, directing payment in accordance with a first of the plurality of payee records if the stored payee name information and the stored payee address information included in the first payee record is determined to correspond to the received payee name information and the received payee address information, processing the received payee address information to identify an

eleven digit zip code if none of the plurality of payee records include stored payee name information and stored payee address information which is determined to correspond to the received payee name information and the received payee address information, determining if the stored payee zip code included in any of the plurality of payee records corresponds to the identified eleven-digit zip code, and directing payment in accordance with a second of the plurality of payee records if the stored payee zip code included in the second payee record is determined to correspond to the identified eleven-digit zip code, as required by independent claim 28.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the 35 USC § 103(a) rejection of independent claims 1, 10, 11, 16, 22, and 28 and their dependencies, claims 2-9, 13-15, 17-21, and 23-27.

In addition to the comments above, independent claim 28 further distinguishes from the applied art combination. The Examiner points to Kight column 2, lines 5-11 and 40-47, column 4, lines 23-28 and 33-35, column 7, lines 3-25, and Pollin Figure 2, detail 208, column 17, lines 9-19 as disclosing all recited features, including the alternative directing of payments based on either the correspondence of (i) payee name and address information or (ii) payee zip code information.

The Examiner appears to have misunderstood the invention recited in claim 28. The Examiner argues that one would have been motivated to determine if any of the stored payee records corresponds to the identified eleven digit zip code, and if so, directing payment to that payee identified in that record in order to ultimately retrieve the correct information for a particular user.

However, the Examiner has apparently failed to consider the requirement of claim 28 that (i) if the stored payee name and payee address information included in the first payee record is determined to correspond to the received payee name and payee address information, payment is directed in accordance with a first of the plurality of payee records, and (ii) if none of the plurality of payee records include stored payee name and payee address information which is determined to correspond to the received payee name and payee address information, the received payee address information is processed to identify an eleven digit zip code, a determination is made if a stored payee zip code included in any of the plurality of payee records corresponds to the identified zip code, and payment is directed in accordance with a second of the plurality of payee records if the stored payee zip code included in the second payee record is determined to correspond to the identified zip code.

The Examiner points to column 2, lines 45-47 in combination with column 4, lines 23-26, in the Kight patent as teaching determining if the stored payee name information and the stored payee address information included in any of the plurality of payee records correspond to the received payee name information and the received payee address information and directing payment in accordance with a first of the plurality of payee records if the stored payee name information and the stored payee address information included in the first payee record is determined to correspond to the received payee name information and the received payee address information.

However, the text referenced by the Examiner is directed to, at column 2, lines 45-47, receiving information identifying the consumer, not a merchant. Likewise the text at column 4, lines 23-26, is directed to accessing the received consumer information, not accessing merchant information.

It is respectfully submitted that what Kight discloses, related to merchant information, is receiving information identifying a merchant from a payer. (See column 3, lines 32-36.) This information need not be associated with a payment request. The received merchant information may be compared to a merchant master file to determine if the merchant is already known to the Kight system. If not, a new merchant record is established on the merchant master file. (See column 4, lines 37-41.) Thus, Kight discloses adding a new entry to a file of merchants. For this reason alone, even beyond the reasons discussed above, the combination of Kight, Pollin, and the Official Notice does not suggest the invention recited in claim 28.

The dependencies of claims 1, 11, 16, and 22 recite further features which are not disclosed or suggested by the prior art combination. These features include, but are not limited to, the following: processing only a portion of payee address information to identify the eleven digit zip code; the processed information including a payee city and a payee state; accessing the database to locate a payee record having a payee name and the zip code corresponding to only a portion of a received payee name and the identified eleven digit zip code; accessing the database and locating the payee record by matching the identified eleven digit zip code with the payee record zip code, and matching a portion of a received payee name with a portion of the payee record payee name in the database; making a payment to the payee after locating the payee record; the payment being an electronic payment; verifying that a payer account number with the payee conforms to validation rules and transforming the verified account number into an altered account number according to alteration rules; and processing the payer account number to identify one of a plurality of remittance centers to which

payment is to be remitted and directing payment and an altered payer account number to the identified remittance center.

With regard to claims 2, 17, and 25, the Examiner's position is not understood. The Examiner points to Kight as disclosing that the received payment information includes the received payee zip code and other payee address information, and the payment information processed to identify an eleven digit zip code for a payee includes only a portion of the other payee address information. In the Examiner's rejection of independent claim 1, from which claim 2 depends, independent claim 16, from which claim 17 depends, and independent claim 22, from which claim 25 depends, the Examiner asserts that neither Kight nor Pollin disclose processing payment information other than a received zip code to identify an eleven digit zip code. The Examiner relies upon Official Notice (for which support is requested herein) for this feature. However, in the rejection of claims 2, 17, and 25, the Examiner appears to now contend state that Kight discloses this feature. It is respectfully requested that the Examiner reconsider and withdraw the rejection of claims 2, 17, and 25. If the Examiner insists on maintaining the rejection of claims 2, 17, and 25 on these grounds, it is respectfully requested that the Examiner restate the basis for the rejection as to provide the applicants a reasonable understanding of the Examiner's rationale.

With regard to claim 3, the Examiner acknowledges that Kight fails to disclose that the received and processed payment information includes the payee city and the payee state and points to Figure 4 of Pollin as disclosing such information.

The Pollin patent discloses generation of a draft by either a payee or a party acting on behalf of a payee, such as a debt collection service or telephone order processing system. (See column 5, lines 31-38.) As will be understood in light of a

reading of the Pollin patent, the Pollin technique does not require the payer to provide any payee information, as this information is known by the operator of the Pollin system (often the payee itself). Receiving payment information including a payee city and a payee state is not disclosed in Pollin. Additionally, the Examiner's attention is respectfully directed to Figure 4 of Pollin. This figure does not show a payee's zip code, but rather a payer's zip code. Accordingly, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claim 3.

With regard to claims 4, 5, 18, 19, 26 and 27, the Examiner points to Kight as disclosing that each payee record has a payee name and that the received payment information includes a payee name. The Examiner acknowledges that Kight fails to teach the remaining features of claims 4, 18, and 26, and all features recited in claims 5, 19, and 27, which depend, respectively, from claims 4, 18, and 26. These claims require that the payee record be located utilizing the identified eleven-digit zip code and only a portion of the payer supplied payee name.

As discussed herein above, Pollin in no way teaches accessing a payee record based upon a zip code. Therefore, Pollin certainly does not teach locating a payee record based, in part, upon a portion of a payee name received from a payer. Therefore, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claims 4, 5, 18, 19, 27 and 27.

With regard to claims 6, 7, and 13 the Examiner points to Kight as disclosing making payment to the payee, and further in accordance with claim 7, that payment being an electronic payment.

While Kight does disclose making payment, both electronic and otherwise, the applied art and Official Notice combination,

as will be understood from the discussion above, fails to teach or suggest making payment subsequent to processing payment information other than the received payee zip code to identify an eleven digit zip code for a payee and accessing the database to locate the payee record having the payee zip code corresponding to the identified eleven digit zip code. Accordingly, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claims 6, 7, and 13.

With regard to claims 8, 14, 20, and 23, these claims require that the received payment information include a payer account number with the payee (referred to hereinafter as a merchant account number, although the claim should be read more broadly and the use of this characterization is solely for purposes of the explanation below). Claims 8, 14, 20, and 23 require alteration rules for altering the merchant account number. Claims 8, 14, and 20 also require validation rules corresponding to payee values for fields of the merchant account number for validating the merchant account number. Claim 8 recites that validation and alteration rules are stored in a database. Claim 14 recites that validation and alteration rules are stored in a storage device. According to claims 8 and 20, conformity of the merchant account number to the validation rules is verified and the verified merchant account number is transformed into an altered merchant account number according to the alternation rules. According to claim 14, conformity of the merchant account number to the validation rules is verified and the merchant account number is also altered according to the alteration rules. According to claim 23, the merchant account number is transformed into an altered merchant account number according to the alteration rules.

In previous Detailed Actions the Examiner acknowledged, in rejecting claims 8, 14, 20, and 23, that Kight does not teach

validation and alteration rules. However, the Examiner's position was that Kight discloses verifying and transforming the merchant account number as required in claims 8, 14, and 20. The Examiner also acknowledged that Kight fails to teach the features of claim 23. The Examiner looked to Pintsov for disclosure of validation and alteration rules and for the features of claim 23. The Examiner maintained these rejections in light of responsive remarks arguing against the Examiner's position. However, the rejection of these claims under Kight and Pintsov now stands withdrawn and replaced with a rejection under Kight, Pollin and Official Notice. The Examiner now maintains the position that every dependent feature recited claims 8, 14, and 20 is disclosed in Kight, but for a storage device storing the above-mentioned rules. The Examiner takes Official Notice that "it is old and well known to store rules in a storage device" (Detailed Action, dated April 30, 2001, page 6, line 13). Additionally, the Examiner has now asserted that Kight teaches the features of claim 23.

In taking Official Notice, the Examiner states that "(b)oth Kight, et al and Pollin teach the used (sic) of storage deices (sic) in their system (See Kight, et al, Fig. 1[50] and Pollin Col. 13, lines 35-41), however, they both fail to teach the following: the storage device is further configured to store verification rules..." (Detailed Action, dated April 30, 2001, page 6).

Of claims 8, 14, 20, and 23, only claim 14 recites a storage device, therefor it is assumed that the Examiner is taking Official Notice that the storage device itself is known in the art, not the recited rules stored therein. Thus, it seems that the Examiner has now concluded that Kight does teach the validation and alteration rules, as alteration rules are explicitly recited in claims 8, 14, 20, and 23, and validation

rules are expressly recited in rules 8, 14, and 20. If the Examiner's Official Notice has been misinterpreted, it is courteously requested that the Examiner provide clarification.

The Examiner has offered no explanation for the reversal of Examiner's position that previously Kight failed to, but now does, teach validation rules, alterations rules, and the features of claim 23, other than pointing to column 3, lines 4-9, in Kight and making the parenthetical assertion that "validation rules correspond to comparing the correct routing and bank numbers, alteration rules correspond to correcting data entry". Perhaps, the Examiner's complete reversal of the previous asserted position says something about the reasonableness of the Examiner's current position.

As best understood, the Examiner now also rejects claim 23 (transforming the received payer account number into an altered payor account number according to the alteration rules) for the same reason. As noted in previous responses and the Appeal Brief, Kight's disclosure in referenced text relates to verifying a bank account number and not to verifying a merchant account number as recited in the present claims. Previously, the Examiner has acknowledged that Kight discloses only the verification of a bank account number, not a merchant account number, in the referenced text, but contended that this is equivalent to the required validation of the merchant account number according to validation rules corresponding to payee values for fields of the account number. Once again, it is respectfully submitted that the Examiner's position is incorrect.

As for the validation required by claims 8, 14, and 23, in previous responses and the Appeal brief it was argued, and such arguments are maintained here, that although it is acknowledged that Kight, in columns 3, lines 4-9 and 7, lines 10-12, does

generally disclose the need for validation of the bank and merchant account numbers, Kight does not disclose any particulars as to how these validations are performed. Further, there is nothing in Kight to suggest that the bank account number and the merchant account number should or could be validated in the same way. The Examiner's reversal of position to support a conclusion that Kight discloses validation rules is not understood. Kight simply does not teach or suggest validation rules, let alone specific validation rules corresponding to payee values for fields of the merchant account number. Hence, Kight lacks any suggestion that the merchant account number is validated in accordance with validation rules corresponding to payee values for fields of the (merchant) account number.

As for the transformation/alteration of the merchant account number required by claims 8, 14, 20, and 23, Kight lacks any teaching or suggestion of altered merchant account numbers. At most, Kight discloses correction of a data entry error by reentry of an incorrectly entered bank account number. According to Webster's II New College Dictionary, 1999, "transform", as explicitly recited in claims 8, 20, and 23, is defined as "to alter markedly the appearance or form of". "Alter", as explicitly recited in claim 14, is defined as "to make different: modify".

As disclosed in the present application, for example, at page 25, lines 6-19, the transformation/alteration of a merchant account number as supplied by a payer results in a modification of the form of the merchant account number. The resultant modified merchant account number has a different form than the merchant account number supplied by the payer. This is clearly different and distinguished from the data entry error correction of a bank related number, as disclosed in Kight. Furthermore,

contrary to the Examiner's new position, Kight clearly does not teach or suggest alteration rules, as Kight does not disclose alteration of merchant account numbers. Hence, Kight lacks any suggestion that the merchant account number (either verified or not) is transformed or otherwise altered according to alteration rules. In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claims 8, 14, 20, and 23.

With regard to claims 9, 15, 21, and 24, the Examiner acknowledges that neither Kight or Pollin suggest or teach processing the merchant account number to identify one of a plurality of remittance centers and to direct payment to that remittance center. However, the Examiner states that it would have been obvious to include the identification of the remittance center through the payer's account number in order to guarantee that a payment coming from a particular payor would go to the correct remittance center.

One can only ask what the Examiner contends would have made it obvious to do so. If it had been obvious to do so, certainly the Examiner could have produced prior art disclosing such a feature.

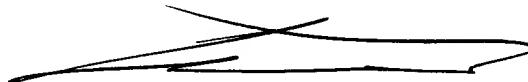
Accordingly, the Examiner is courteously requested to produce prior art which discloses the invention recited in claims 9, 15, 21, and 24. If the Examiner is unable to do so, it is also respectfully requested that the Examiner withdraw the rejection of claims 9, 15, 21, and 24.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to

expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 12-0427 and please credit any excess fees to such deposit account.

Respectfully submitted,
Lalos & Keegan



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APPENDIX TO RESPONSE TO OFFICIAL ACTION DATED MAY 4, 2001
AMENDMENTS TO CLAIMS
(DELETIONS IN BRACKETS AND ADDITIONS UNDERLINED)

IN THE CLAIMS

Please amend claims 14, 18 and 20 as follows:

14. (Twice Amended) The automated remittance processor of claim 11, wherein:

the payment information includes a payor account number with the payee;

the storage device is further configured to store [verification] validation rules corresponding to payee values for fields of the account number, and alteration rules[,] associated with the payee; and

the processor is further configured to process the payment information to verify that the payor account number conforms to the validation rules associated with the payee and to alter the payor account number according to the alteration rules associated with the payee.

18. (Twice Amended) The article of manufacture of claim [17] 16, wherein the received payment information includes a name of the payee, and the computer program is further configured to cause the computer to operate so as to:

access the database using a portion of the received payee name and the eleven digit zip code to locate the payee record; and

the payee record further corresponds to the portion of the payee name.

20. (Twice Amended) The article of manufacture of claim 16, wherein the payment information includes a payor account number with a payee, and the computer program is further configured to cause the computer to operate so as to:

verify that the received account number conforms to validation rules corresponding to payee values for fields of the account number; and

transform the verified account number into an altered account number according to [the] alteration rules of the payee.